

Patrick G. Byrne, Esq.
Nevada Bar No. 7636
Richard C. Gordon, Esq.
Nevada Bar No. 9036
Paul Swenson Prior, Esq.
Nevada Bar No. 9324
Christian P. Ogata, Esq.
Nevada Bar No. 15612
SNELL & WILMER L.L.P.
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169
Telephone: (702) 784-5200
Facsimile: (702) 784-5252
Email: pbyrne@swlaw.com
rgordon@swlaw.com
sprior@swlaw.com
cogata@swlaw.com

Attorneys for Defendant City of Henderson

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LaTesha Watson,

Plaintiff

v.

City of Henderson; Kevin Abernathy;
Kenneth Kerby; Richard McCann,

Defendants

Case No.: 2:20-cv-01761-CDS-BNW

**Stipulation to Take Depositions Outside of
Discovery Period**

(FIRST REQUEST)

Defendants City of Henderson, Kevin Abernathy, Kenneth Kerby, and Richard McCann and Plaintiff LaTesha Watson (collectively the “Parties”) stipulate to extend the period to take three additional depositions outside of the discovery period, which closes on January 16, 2023. The Parties make the following stipulation for good cause, not for the purpose of delay, and for the following reasons:

1. Following various stipulations, discovery in this employment-discrimination matter is set to close on January 16, 2023.

1 2. To date, Watson has noticed ten depositions, three of which are to be completed this
2 week.

3 3. The City has noticed two depositions, both of which have been completed, and are
4 working to schedule two additional depositions.

5 4. On December 9, 2022, Watson noticed the deposition of the City's 30(b)(6) designee
6 and served a related request for production of documents.

7 5. Based on witness availability, the City provided alternative dates of January 18th or
8 19th, 2023 for the City's 30(b)(6) deposition.

9 6. Following discussions with counsel, the Parties agree to schedule the City's 30(b)(6)
10 deposition on **January 19, 2023**, and for the witness to produce the responsive documents by this
11 date.

12 7. The City requested available dates for two other witnesses disclosed on Plaintiff's
13 witness list: (1) Dr. Stan Smith (Plaintiff's economic damages expert) and (2) Ms. Monique Hicks.

14 8. On December 29, 2022, Plaintiff's counsel informed the City that Smith was
15 available only on dates outside of the discovery period, with the earliest available date being
16 January 18, 2022. The Parties have agreed to schedule the Smith deposition on **January 18, 2023**.

17 9. After trying to reach Ms. Hicks for several weeks, Plaintiff's counsel advised the
18 City on January 5, 2023 that it had not heard back from Ms. Hicks regarding her availability and
19 informed the City that it could reach out to her directly for scheduling purposes. The City is in the
20 process of subpoenaing Ms. Hicks for her deposition.

21 10. Given the unavailability of various witnesses, the Parties agree to take these three
22 additional depositions outside of the discovery period but before the currently scheduled deadline
23 for filing dispositive motions.

24 11. Counsel for Defendants Abernathy and Kerby also intends to seek the deposition of
25 witness Edward Tyndall, a former Henderson Police Department employee. Mr. Tyndall's
26 deposition was originally scheduled to take place on December 1, 2022. Due to the inability of the
27 parties to contact Mr. Tyndall or secure his commitment to appear for a deposition, the deposition
28 was taken off calendar pending rescheduling. On January 9, 2023 counsel for plaintiff produced a

1 declaration from Mr. Tyndall regarding matters of relevance to the claims in this case. Counsel for
2 Defendants Abernathy and Kerby believe Mr. Tyndall's deposition is necessary and are taking steps
3 to arrange either his voluntary appearance or through subpoena. Plaintiff does not agree and does
4 not stipulate to the deposition being conducted beyond the current discovery cutoff but agrees that
5 a meet-and-confer occurred between counsel on this issue in the event defense counsel intends to
6 file a timely motion seeking a court order for the same.

7 12. The deposition of Plaintiff LaTasha Watson was commenced on December 5, 2022.
8 The deposition was not concluded and was adjourned following the expiration of seven hours of
9 testimony by Ms. Watson, primarily consumed by the City regarding its examination of the
10 Plaintiff. Counsel for Defendants Abernathy and Kerby did not have an opportunity to conclude
11 examination of Plaintiff, and Plaintiff's counsel has declined to agree to a voluntary second session
12 of testimony. Counsel for Defendants Abernathy and Kerby are in the process of preparing and
13 serving a motion to compel a second session of Plaintiff's deposition so full cross examination can
14 be concluded. Plaintiff does not agree and does not stipulate to this second session of testimony
15 but agrees that a meet-and-confer occurred between counsel on this issue in the event defense
16 counsel intends to file a timely motion seeking a court order for the same.

17 13. This is the Parties' first stipulation to take these depositions outside of the discovery
18 period.

19 14. The Parties have agreed to the requests in paragraphs 4-10 above.

20 15. This request is sought in good faith and is not made for the purpose of delay.

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27

28

Therefore, the Parties respectfully request to take the depositions of the City of Henderson, Stan Smith, and Monique Hicks outside of the discovery period but before the currently scheduled deadline for filing dispositive motions.

DATED this 12th day of January 2023.

COOK & KELESIS, LTD.

/s/Marc P. Cook (with permission)

Marc P. Cook, (NV Bar No. 4574)

Julie L. Sanpei (NV Bar No. 5479)

517 S. 9th Street

Las Vegas, Nevada 89101

Phone: (702) 737-7702

Fax: (702) 737-7712

Attorneys for Plaintiff Latesha Watson

DATED this 12th day of January 2023.

SNELL & WILMER, LLP

/s/ Richard C. Gordon

Patrick G. Byrne (NV Bar No. 7636)

Richard C. Gordon (NV Bar No. 9036)

Paul Swenson Prior (NV Bar No. 9324)

Christian P. Ogata (NV Bar No. 15612) 3883

Howard Hughes Parkway, Suite 1100

Las Vegas, Nevada 89169

Phone: (702) 784-5200

Fax: (702) 784-5252

Attorneys for Defendant City of Henderson

DATED this 12th day of January 2023

CLARK HILL PLLC

/s/ Nicholas M. Wieczorek (with permission)

Nicholas M. Wieczorek, Esq.

3800 Howard Hughes Parkway, Suite 500

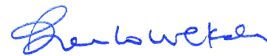
Las Vegas, Nevada 89169

Attorneys for Defendants Kevin Abernathy,

Richard McCann, and Kenneth Kerby

IT IS SO ORDERED.

DATED: January 13, 2023



UNITED STATES MAGISTRATE JUDGE

4858-4161-3385

Snell & Wilmer

LLP
LAW OFFICES
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, Nevada 89169
702.784.5200